

REMARKS

Claims 4-10 and 12-15 are pending. Claims 1-3 and 16-41 are cancelled. Applicants reserve the right to pursue the subject matter of any of the cancelled claims in one or more related applications.

Rejection Under 35 U.S.C. § 102(e)

Claims 4-10 and 12-15 have been rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Publication US 2004/0126604 by Wang et al. ("Wang"). Applicants respectfully disagree.

The Examiner alleges that Wang "discloses a glove coated with a composition comprising cetyl pyridinium chloride, a polydimethylsiloxane and an ammonium salts of alkyl phosphate," and that "[t]he glove can be made of natural rubber, nitrile and/or polyisoprene." Wang is directed to moisturizing coating compositions for the *skin-contacting* surface of elastomeric articles (see, *e.g.*, paragraphs 0009, 0010, and 0021 of Wang). Wang states that "[t]he invention provides a coating composition for the skin-contacting surfaces of elastomeric articles which provide beneficial therapeutic skin treatment to the wearer's skin." (see, *e.g.*, paragraph 0120 of Wang).

The applicants' claimed invention is directed to coatings for the *outer* surface of a glove. On page 3, lines 3-4 of the instant specification, applicants note that "[t]he inventive gloves have a unique surface texture which improves the outer-surface properties of the gloves." The improved outer-surface properties include reduction in surface tack variation (page 3, lines 6-8 and page 5, lines 17-19 of the instant

specification). Other properties improved by this outer-surface coating are listed on page 12, lines 3-11.

Anticipation under 35 U.S.C. § 102 requires that a single piece of prior art discloses each and every element of the claimed invention, either expressly or inherently. See *In re Robertson*, 169 F.3d 743, 745, 49 U.S.P.Q. 2d 1949, 1950 (Fed. Cir. 1999). Absence from a cited reference of any element of a claim of a patent negates anticipation of that claim by that reference. *Atlas Powder Co. v. E.I. DuPont de Nemours & Co.*, 224 U.S.P.Q. 409 (Fed. Cir. 1984).

Because Wang discloses coatings for the skin-contacting, inner surface of elastomeric articles, and applicants' claim coatings for the outer surface of elastomeric gloves, applicants respectfully request the withdrawal of the Examiner's rejection of Claims 4-10 and 12-15 under 35 U.S.C. §102(e).

Rejection Under 35 U.S.C. § 103(a)

Claims 4-10 and 12-15 have been rejected under 35 U.S.C. §103(a) as being anticipated by U.S. Patent No. 4,575,476 by Podell et al. ("Podell"), optionally in view of WO 98/29482 ("Weikel") and U.S. Patent No. 6,566,408 ("Cotrell"). Applicants respectfully disagree.

The Examiner states that Podell "discloses a glove coated with a layer comprising a silicone and a surfactant such as oxyethyl alkyl ammonium phosphate" and further that Podell "teaches the use of a surfactant of cetyl pyridinium chloride." Podell is directed to a skin-contacting layer formed from a hydrogel treated with surfactants. More specifically, Podell teaches "a flexible rubber article having bonded

thereto a layer providing a skin-contacting surface of the article, said layer being formed from a hydrogel polymer.” (col. 1, lines 59-60 of Podell).

The Examiner states that Weikel “teaches the use of a mixture comprising a silicone and 1-hexadecylpyridinium chloride (cetyl pyridinium chloride) for coating gloves.” Weikel is directed to elastomeric articles, in particular gloves, that are “slip-coated” with a lubricant composition. Weikel teaches the method of making these articles by “treating the wearer-contacting surface with a lubricant composition to enhance the damp/wet slip properties thereof.” (page 5, lines 8-10 of Weikel). Applicants point out that Weikel teaches only silicone and cetyl pyridinium chloride, but not ammonium salts of alkyl phosphates.

Cotrell is directed to aqueous surfactant compositions, particularly to compositions of monoalkylphosphate esters and amphoteric surfactants, useful for cosmetic and personal-care products. The Examiner cites Cotrell for the teaching that alkyl phosphate ester salts include alkylether phosphate ester salts.

As discussed *supra*, the applicants’ claimed invention is directed to coatings for the *outer* surface of a glove. Podell does not disclose a glove with a coating on the outer surface and neither Weikel nor Cotrell remedy this deficiency.

A finding of obviousness under 35 U.S.C. § 103 requires a determination of the scope and the content of the prior art, the differences between the invention and the prior art, the level of the ordinary skill in the art, and whether the differences are such that the claimed subject matter as a whole would have been obvious to one of ordinary skill in the art at the time the invention was made. *Graham v. Deere*, 383 U.S. 1 (1966). The relevant inquiry is whether the prior art suggests the invention, and

whether one of ordinary skill in the art would have had a reasonable expectation that the claimed invention would be successful. *In re O'Farrell*, 853 F.2d 894, 902-4 (Fed. Cir. 1988); *In re Vaeck*, 947 F.2d 488, 20 U.S.P.Q. 2d 1438 (Fed. Cir. 1991). Both the suggestion of the claimed invention and the expectation of success must be in the prior art, not in the disclosure of the claimed invention. *In re Dow Chemical Co.*, 5 U.S.P.Q. 2d 1529 (Fed. Cir. 1988).

Neither Podell, Weikel, nor Cotrell either alone or in combination teach the claimed invention. Accordingly, applicants respectfully request that the rejections under 35 U.S.C. §103(a) be withdrawn.

CONCLUSION

Applicants have not independently addressed the rejections of the dependent claims. Applicants submit that for at least similar reasons as to why the independent claims from which the dependent claims depend are believed allowable as discussed *supra*, the dependent claims are also allowable. Applicants, however, reserve the right to address any individual rejections of the dependent claims should such be necessary or appropriate.

Based on the foregoing remarks, Applicants respectfully request reconsideration and withdrawal of the rejection of claims and allowance of this application. If any issues remain in connection herewith, the Examiner is respectfully invited to telephone the undersigned to discuss the same.


AUTHORIZATION

The Commissioner is hereby authorized to charge any additional fees which may be required for consideration of this Amendment to Deposit Account No. 13-4500, Order No. 2877-4031.

Respectfully submitted,
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By: _____


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